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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,036	08/30/2001	Junji Tominaga	325772026700	7287
25227	7590	01/15/2004		
MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD SUITE 300 MCLEAN, VA 22102				
			EXAMINER ORTIZ CRIADO, JORGE L	
			ART UNIT 2655	PAPER NUMBER 6

DATE MAILED: 01/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/942,036

Applicant(s)

TOMINAGA ET AL.

Examiner

Jorge L Ortiz-Criado

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ . | 6) <input type="checkbox"/> Other: . |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Izumi et al. U.S. patent No. 5,610,985.

Regarding claim 1, Izumi et al. discloses an apparatus for reproducing information stored in an optical recording medium which comprises marks or pits which are arranged at a pitch less than $\lambda/2NA$, wherein λ is a wavelength of light used for reproduction and NA is an numerical aperture of an objective lens (See col. 1, lines 10-15, col. 2, lines 4-14; Fig. 4; Fig. 10), said apparatus comprising:

a shielding band which is located in an optical path of an optical system for detecting light coming from the optical recording medium in such a position to shield at least a middle of a bundle of rays (See col. 2, line 58 to col. 3, line 10; col. 3, line 65 to col. 4, line 30; Fig. 4, ref# 5; Fig. 6A; Fig.10; ref#25B)

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Regarding claim 2, Izumi et al. discloses an apparatus for reproducing information stored in an optical recording medium which comprises marks or pits which are arranged at a pitch less than $\lambda/2NA$, wherein λ is a wavelength of light used for reproduction and NA is an numerical aperture of an objective lens (See col. 6, line 38 to col. 7, line 20; Fig. 10), said apparatus comprising:

a first detecting system for generally detecting optical signals from marks or pits which are arranged at a pitch not less than $\lambda/2NA$ (See col. 6, line 38 to col. 7, line 20; Fig. 10-“39”);

a second detecting system for generally detecting optical signals from marks or pits which are arranged at a pitch less than $\lambda/2NA$ (See col. 6, line 38 to col. 7, line 20; Fig. 10-“42”, “43”); and

a signal processing circuit for reproducing information by combining the signals detected by the first detecting system with the signals detected by the second detecting system (See col. 6, line 38 to col. 7, line 20 “signal detection system”).

Regarding claim 3, Izumi et al. discloses wherein the second detecting system comprises a shielding band for shielding at least a middle of a bundle of rays (See col. 6, line 38 to col. 7, line 20; Fig. 10-“25B”)

Regarding claim 4, Method claim 4 is drawn to the method of using the corresponding apparatus claimed in claim 2 or 3. Therefore method claim 4 corresponds to the apparatus claim 2 or 3 and is rejected for the same reason of anticipation as used above.

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3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Japanese Patent No. JP40601269 to Kawaomo, which discloses an optical pickup for reproduction of high-density recording disk including a shielding band for shielding at least a middle of a bundle of rays.

b. Japanese Patent No. JP405234121 to Togashi, which discloses an optical head device including a shielding band for shielding at least a middle of a bundle of rays.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jorge L Ortiz-Criado whose telephone number is (703) 305-8323. The examiner can normally be reached on Mon.-Thu.(8:30 am - 6:00 pm), Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris H To can be reached on (703) 305-4827. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-6743.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

joc


DORIS H. TO 1/12/04
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800